

TENTATIVE DRAFT

NOTE: It is requested that suggested corrections be sent to the Office of the Secretary, San Francisco, as soon as possible.

MINUTES

BOARD OF GOVERNORS SPECIAL MEETING

LOS ANGELES

SEPTEMBER 19, 2002

The Board of Governors of the State Bar of California convened in the Board Room of the State Bar Offices at 1149 South Hill Street, Los Angeles, California, at 12:13 p.m., Thursday, September 19, 2002, Karen S. Nobumoto presiding.

The following members of the Board of Governors were present: Anthony P. Capozzi, Judith M. Copeland, Patrick R. Dixon, Janet M. Green, Scott H. McNutt, Ann M. Ravel, Russell Roeca, John G. Snetsinger, Maria D. Villa, Scott Wylie and Nancy Hoffmeier Zamora.

Board member Robert K. Persons participated via conference call.

The following members of the staff were present: Larry Doyle, Judy Johnson, Dean Kinley; Marie M. Moffat, Mike Nisperos, Pam Wilson and Larry Yee.

Also present: Don J. DeBenedictis, *Los Angeles Daily Journal*; Laura Goldin, Conference of Delegates Task Force, Robert Green, *Met News*; Steve Marsh, Matt St. George and Diane Wasznicky, Conference of Delegates Task Force; Representatives from the Attorney General's Office, the Los Angeles District Attorney's Office, several minority bar associations, and Fox News and *La Opinion*.

The President gave a brief history of the following item, and thanked each member of the Conference of Delegates Task Force, and each member of the Bar's Senior Executive Team who staffed, or worked with the task force, for their dedicated and diligent work in bringing this matter to a mutually satisfactory conclusion.

331 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Task Force on the Conference of Delegates, that the Board hereby approves the Memorandum of Understanding between the State Bar of California and the Conference of Delegates of California Bar Associations, in the form attached to these minutes and made a part hereof; and it is

FURTHER RESOLVED that the Board hereby authorizes the Executive Director to execute the agreement on behalf of the State Bar of California.

Voting yes: Mr. Capozzi, Ms. Copeland, Mr. Dixon, Ms. Green, Mr. McNutt, Ms. Ravel, Mr. Roeca, Mr. Snetsinger, Ms. Villa, Mr. Wylie and Ms. Hoffmeier Zamora.

30 The President announced that Senators Sheila Kuehl and Gloria Romero, and Los Angeles District Attorney Steve Cooley would be recognized by the Board later in the meeting in acknowledgment of the recently signed legislation pertaining to the unauthorized practice of law (SB 1459 - Romero) and the creation of the Conference of Delegates as a separate entity (SB 1897 - Kuehl).

41 The Executive Director reported on the following:

She announced that Gary Greenebaum, who was appointed to the Board by then Speaker Hertzberg, had tendered his resignation, and that she expected Speaker Wesson to appoint a replacement in the not too distant future;

She mentioned the article that had appeared in a recent issue of the *Met News* regarding the 2002 Board of Governors General Election and the potential request of a ballot recount by one of the unsuccessful candidates. She stated that a committee would be formed to address the concerns raised and that the integrity of the election process would be maintained at all costs.

The roll-call vote was taken and upon motion made, seconded and unanimously adopted, it was

RESOLVED that the roll-call vote will be substituted for the vote unless otherwise noted.

All members present and recorded on the roll-call slip voted yes on the above matter.

54-141 The following is the report of action taken via fax poll of the Board between August 30 and September 5, 2002, by the Executive Director upon authorization by the President, between the Board's regularly scheduled meetings:

Upon motion made, seconded and adopted, it was

RESOLVED, upon recommendation of the Board Planning, Program Development, and Budget Committee, that the Board hereby adopts the *Rules Governing Financial Assistance from the Lawyer Assistance Program*, in the form attached to these minutes and made a part hereof, on an interim basis, effective immediately, pending the completion of a ninety-day public comment period, pursuant to the provisions of section 3 of the *Procedures for Adoption Amendment, or Repeal of State Bar Regulations* ("Public Comment Rules").

111 Ms. Johnson reported on the status of the Bar's negotiations with the union, stating that

management and the union are still at the meet-and-confer stage. When negotiations are concluded, the Memoranda of Understanding will be presented to the Board for ratification.

130 Mr. McNutt, Chair, Board Committee on Member Oversight, summarized briefly the background of the Loislaw item this day before the Board, stating that an agreement with Loislaw would be advantageous to the members of the Bar's sections.

131 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, following a fax poll pursuant to Section 3, Article IV of the *Rules and Regulations of the State Bar of California*, and Section 2, Article IV of the *Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors of the State Bar*, and all members of the Board Committee on Member Oversight participating therein, upon unanimous recommendation of the Board Committee on Member Oversight, that the Board hereby authorizes staff to negotiate with Loislaw to provide a member benefit to State Bar Section members as summarized in the agenda item this day before the Board, provided that any final contract shall be in a form approved by the General Counsel and provide for solicitations to include the disclaimer required by Business and Professions Code section 17533.6(b).

All members present and recorded on the roll-call slip voted yes on the above matter.

320 Mr. Capozzi, Co-Chair, Board Task Force on Elections, reported on the work of the task force. He mentioned that the special elections in District 3 had an enormous fiscal impact on the Bar. He suggested that perhaps the rules could be revisited to allow the President to appoint an interim Board member in the event of a resignation, if the unexpired term of the incumbent was less than eighteen months. During the ensuing discussion, mention was made that the Board is being requested this day to authorize staff to distribute the rules governing the general election for public comment, and that the proposed amendments will address all raised concerns, including ballot counting, electronic voting and counting.

321 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Task Force on Elections, that the Board hereby authorizes staff to distribute the draft revisions to Article II and Article IIA of the *Rules and Regulations of the State Bar of California*, regarding Board Elections ("Election Rules"), in the form attached to these minutes and made a part hereof, for a ninety-day public comment period, pursuant to the provisions of section 3 of the *Procedures for Adoption, Amendment, or Repeal of State Bar Regulations* ("Public Comment Rules"); and it is

FURTHER RESOLVED that this authorization for circulation of the Election Rules for public comment is not a statement of approval of the proposed changes.

All members present and recorded on the roll-call slip voted yes on the above matter.

322 This item was placed on the Board's agenda for this meeting as a placeholder in the event that an unsuccessful candidate in the Board's recent general election requested a recount of ballots; no such request has yet been received.

340 Janet M. Green, Chair, Committee on Board Development, thanked the President for entrusting her with the project of comprising Board of Governors Member Responsibilities and Commitments. She also thanked Ms. Villa, Mr. Wylie and Mr. Herman for their assistance and input. She stated that the resultant document will be of major assistance to future potential public member appointees.

341 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Committee on Board Development, that the Board hereby adopts the Board of Governors Member Responsibilities and Commitments, in the form attached to these minutes and made a part hereof.

All members present and recorded on the roll-call slip voted yes on the above matter.

The Board recessed for lunch at 12:40 p.m., and Mr. Persons disconnected from the meeting.

The Board reconvened at 2:15 p.m. to honor invited guests who had been responsible for initiating legislation of major importance to the Bar.

700 The President introduced and welcomed Senator Gloria Romero, and thanked her for authoring SB 1459 [Unauthorized Practice of Law], which will aid in the protection of the public in that non-attorneys will be convicted for the unauthorized practice of law, and which will especially protect the unwary and disadvantaged. Senator Romero gave a brief history on the legislation, which was recently signed into law by Governor Davis. She stated that this new law was due to the total commitment, persistence and passion of President Nobumoto, who lobbied district attorneys throughout the state to gain their support for the bill. Senator Romero also thanked the Bar's Chief Legislative Counsel Larry Doyle, and Los Angeles District Attorney Steve Cooley for their help and support during the passage of the bill. The President thanked Senator Romero for her very kind remarks.

The President introduced Steve Cooley, Los Angeles District Attorney, who had supported her in the passage of SB 1459. Mr. Cooley addressed the Board stating that the bill's passage was entirely due to the dedicated efforts of President Nobumoto, who had lobbied district attorneys throughout the state for their support. He said that the bill will help all district attorneys to more effectively prosecute those who engage in the unauthorized practice of law, and provide greater public protection.

The President introduced and welcomed Senator Sheila Kuehl who authored SB 1897 which, among its other components, provides for a newly created, independent Conference of Delegates of California Bar Associations. The bill also authorizes the Bar to collect voluntary fees on behalf of the Conference of Delegates of California Bar Associations. Senator Kuehl briefly reported on the legislative history of the bill and

thanked all those who supported and lobbied for its passage. She also thanked President Nobumoto for her support and tireless efforts throughout the process. The President thanked Senator Kuehl for her kind remarks.

The President introduced Steve Marsh, Task Force on the Conference of Delegates, who addressed the Board briefly and thanked all present for their assistance in finalizing the Memorandum of Understanding between the State Bar and the Conference of California Bar Associations.

The President introduced and thanked all other guests present, who had supported her in lobbying for legislative changes to better protect the public throughout California.

The Board adjourned its special meeting at 2:43 p.m., Thursday, September 19, 2002

ATTACHMENTS
BOG SPECIAL MEETING
SEPTEMBER 19, 2002

Sept 321	Article II and Article IIA of the Rules and Regulations	-2-
Sept 331	MOU-COD and State Bar	-3-
Sept 54-141	Rules Governing Financial Assistance from the Lawyer Assistance	-1-
Sept 341	Board of Governors Member Responsibilities and Commitments	-3-